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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,993	09/29/1998	MOHAN ANANDA	04500.913	6131
22804	7590	10/07/2005	EXAMINER	
THE HECKER LAW GROUP 1925 CENTURY PARK EAST SUITE 2300 LOS ANGELES, CA 90067			ABDI, KAMBIZ	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/163,993

Applicant(s)

ANANDA, MOHAN

Examiner

Kambiz Abdi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 273-300 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 273-300 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claims 1-272 have been canceled.
- New claims 273-300 are added.
- Claims 273-300 are pending.

2. Examiner would like to point out that the applicant has indicated in the response to the last office action that the new claims are 273-299, which is not correct. The correct number would be 273-300.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 July 2005 has been entered.

Response to Arguments

4. Applicant's arguments filed 18/july 2005 have been fully considered but they are not persuasive for the following reasons:

- No response to the last office action has been presented, because the applicant canceled the previous sets of claims.

Claim Rejections - 35 USC § 101

Claims 273-300 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 273, 280, and 286 are containing the phrase "module..." that renders the claims non-statutory as the module can be of a hardware or software and the claims do not distinguish between neither. The "module..." has not been defined as to be software or hardware as they have been incorporated within a system and method claims.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 273, 280, and 286 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 273, 280, and 286 contain the trademark/trade name or standard United States Postal Service (USPS) compliant cryptographic device. Where a trademark or trade name or standard is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark, trade name or standard cannot be used properly to identify any particular material or product. A trademark, trade name or standard is used to identify a source of goods, and not the goods themselves. Thus, a trademark, trade name or standard does not identify or describe the goods associated with the trademark, trade name or standard. In the present case, the trademark, trade name or standard, United States Postal Service (USPS) compliant cryptographic device, is used to identify/describe data transfer protocol standards and, accordingly, the identification/description is indefinite.

8. As per independent claims 274-279, 281-285, and 287-300 as being dependent to a rejected claim they are subject to the same rejection as above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

10. Claims 273-300 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005,945 to Whitehouse in view of U.S. Patent No. 5799086 to Wells and U.S. Patent No. 4752950 to Le Carpenter.

As per claims 273, 280, and 286, Whitehouse clearly discloses an on-line postage system and method comprising:

a postage vendor system comprising (See Whitehouse abstract):

an Internet interface for communication with a plurality of client systems (See Whitehouse figure 4, and associated text, column 7, line 54-column 8, line 3) ;

a database comprising a plurality of encrypted user account records respectively associated with a plurality of registered users, said user account records each comprising a user encryption key, a user meter license number, and user balance information (See Whitehouse column 10, line 45-column 11, line 29); and

a transaction server having a United States Postal Service (USPS) compliant cryptographic device coupled thereto, wherein said transaction server is configured to use said USPS-compliant cryptographic device to process a postage request received from a client system (See Whitehouse column 7, line 54-column 8, line 63, column 27, lines 9-26, and column 12, lines 16-26);

wherein processing said postage request comprises authenticating said postage request by exchanging a random number-based challenge-response with said client system, accessing in said database a user account record associated with a registered user of said client system, and updating said user account record (See Whitehouse column 7, line 54-column 8, line 63, column 27, lines 9-26, and column 12, lines 16-64); and

an administrator module in communication with said postage vendor system via said Internet interface, said administrator module comprising a statistical analysis report module configured to provide one or more administrator personnel with one or more reports about user transactions occurring at said postage vendor system (See Whitehouse column 11, line 60-column 12, line 14).

What is not explicitly disclosed by Whitehouse is the specific user authentication based on a

Art Unit: 3621

exchange of random number based challenge response. However, Wells clearly discloses a challenge/response system and method for authenticating a client request in a postage metering system (See Wells column 50, lines 42-68). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add the authentication step of challenge/response of the Wells to that of the Whitehouse for further enhancing the security of the communication in addition to better prevention of unauthorized request.

Furthermore, Carpenter clearly discloses the monitoring of the user activities by a central system for users, which are geographically dispersed (See Carpenter column 1, line 54-column 2, line 2, column 2, lines 44-66). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add the teachings of Carpenter to that of Whitehouse for better reporting and access to information pertinent to the control of the dispensed franking of postage indicia.

As per claims 274-279, 281-285, 287-300, Whitehouse modified by Wells and Le Carpenter teaches a postage meter system providing various types of functionalities such as balance update, fund transfer, updating zip codes, secure communication via Internet, and account record (See Whitehouse figures 4-7, Wells figures 26, 28, column 37, lines 34-62, and Le Carpenter abstract, figures 1-3 and associated text). As it has been motivated in the above claims rejection.

Examiner has pointed out particular column and lines in the references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Art Unit: 3621

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

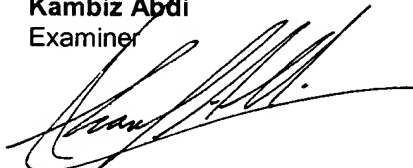
(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi
Examiner



September 29, 2005